**EXHIBIT A** 

: Attorney: OFDAgi

Date: December 29, 2000

[X] Patent Matter [] Trademark Matter

PTO Stamp indicates receipt of: Application Docket No.: 41890-01280 Applicant HAMPDEN-SMITH et al.

Title or Mark: "CATHODOLUMINESCENT PHOSPHOR POWDERS, METHODS FOR MAKING PHOSPHOR POWDERS AND DEVICES INCORPORATING SAME

Serial/Reg. No.: Filed/Issued Date: December 29, 2000

[X] Certificate of Mailing [X] Express Mail No.: EL702181980US

[] Chack for \$

108 No. of Pages in Specification

No. of Pages in Claims No. of Pages In Abstract 35 No. of Sheets of Drawings

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. Utility Patent Application Transmittel (3 pgs)

2. First Preliminary Amendment (2 pgs)

3. Declaration (7 pgs)

4. Petent Application (143)

jc808 V,s. 09/751341

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MARSH FISCHMANN & BREYFOGLE, LLP 3151 SOUTH VAUGHN WAY, SUITE 411 AURORA, CO 80014

ATTN: Lisa Lawrence

& Epice 1991 Q 1994. Haldudlandhdalladanildadalladalladalla **EXHIBIT B** 

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### United States Patent and Trademark Office

COMMISSIONER FOR PATENTS

UNITED STATES PATENT AND TRADEMARK OPPICE WARHINGTON, D.C. 20231

FORMALITIES LETTER

OC000000005711508

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/751.341

12/29/2000

Mark J. Hamoden-Smith

41890-01280

CONFIRMATION NO. 7916

MARSH FISCHMANN & BREYFOGLE LLP

Suite 411 3151 S. Vaughn Way Aurora, CO 80014

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MARSH FISCHMANN BREYFOGLE LLP → 17033086916

Date Mailed: 01/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

#### FILED UNDER 37 CFR 1.53(b)

#### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1,27), .
- Total additional claim fee(s) for this application is \$1014.
  - \$774 for 43 total claims over 20
  - \$240 for 3 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1854.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following Item(s) appear to have been omitted from the application:

- Page(s) 78,82,85,99 of the specification (description and claims).
- Figure(s) 6,7 described in the specification.

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- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(I))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omlitted item(s) and accept the date that such omlitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (i) or (ii) above (thereby constructively electing option (iii)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**EXHIBIT C** 

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#### PATENT APPLICATION

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Hampden-Smith et al.

Serial No.: 09/751,341

Filed: December 29, 2000

Atty. File No.: 41890-01280

For: "CATHODOLUMINESCENT PHOSPHOR POWDERS, METHODS FOR MAKING PHOSPHOR POWDERS AND DEVICES INCORPORATING SAME"

Assistant Commissioner for Patents Washington, D.C. 20231 Attn: Office of Petitions

AFFIDAVIT IN SUPPORT OF PETITION **PURSUANT TO 37 CFR 1.181** 

CERTIFICATE OF FACSIMILE TRANSMISSION I HEREBY CERTIFICATE THAT THIS PAPER IS BENG FACSIMILE
TRANSMITTED TO 703-306-6916 TO THE PATENT AND TRADEMARK OFFICE
ON TO A COMMISSION OF THE PATENT AND TRADEMARK OFFICE MARSH PISCHMANN & DREYFOGLE LLP

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MAR 0 9 2001

PETITIONS OFFICE

Dear Sir:

- I, David Dockery, do depose and say:
- That I am a registered patent attorney in good standing with the United States Patent 1. And Trademark Office and have primary responsibility for the above identified patent application;
- 2. That on December 29, 2000, I filed the above-identified application and just prior to placing the application in the Express Mail envelope, I personally counted the number of pages of the specification and the drawings, and determined that the specification included 108 pages of text with an additional 35 pages of drawings;
- 3. That I routinely use the foregoing procedure of counting the pages just prior to submission of a patent application;
- 4. That these numbers were accurately reflected on the Utility Patent Application Transmittal (Large Entity) and the Postcard Receipt.

NO.447

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- 5. That the application, as submitted, included pages 78, 82, 85, and 99 of the specification;
  - 6. That the application, as submitted, included Figures 6 and 7;
- 7. That after filing the application with the United States Patent and Trademark Office, the Postcard Receipt was date stamped by the United States Patent and Trademark Office and returned; and
- 8. That the date stamped Postcard Receipt did not reflect any additions, corrections, or modifications.

Dated this 9th day of Merch, 2001.

David F. Dockery Registration No. 34,323

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(303) 338-0997

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# Marsh Fischmann & Breyfogle LLP

## Attorneys at Law

3151 South Vaughn Way, Sulte 411 Aurora, Colorado 80014 (303) 338-0997 Fax: (303) 338-1514 David F. Dockery Direct Dial (720) 747-8873 ddockery@mfblaw.com

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March 9, 2001

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If you need a confirmation or any of the pages sent again, please call our office at the following number: 303-338-0997. If you do not call within 15 minutes, we will assume you have received the pages satisfactorily. SENT BY: \text{\text{trents}}.

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